

NAS PAXRIV INSTRUCTION 12310.1B

From: Commanding Officer

Subj: EMPLOYMENT OF RELATIVES

Ref: (a) 5 U.S.C., Section 3110  
(b) 5 CFR 310, Subpart B  
(c) 5 CFR 213.3202  
(d) SECNAVINST 5370.2

1. Purpose. To publish restrictions on the employment of relatives as prescribed in reference (a) through (d) and to establish procedures for the employment/advancement of relatives who are applicants for employment or are already employed.

2. Cancellation. NAS PAXRIV Instruction 12310.1A.

3. Scope. The provisions of this instruction are applicable to all activities receiving personnel services from the Human Resources Office (HRO), Naval Air Station, Patuxent River.

4. Background

a. Reference (a) restricts a public official from advocating one of his/her relatives for appointment, employment, promotion or advancement to a position in his/her agency, or in an agency over which the official exercises jurisdiction or control. These restrictions apply to all positions paid from the U.S. Treasury.

b. Reference (b) allows for an exception when necessary to meet urgent needs resulting from an emergency posing immediate threat to life or property, or a national emergency. Appointments made under these conditions are temporary not to exceed one month, but may be extended for a second month if the emergency still exists.

c. Reference (c) requires that a student working under the Student Educational Employment Program may only work in the same agency with a relative when there is no direct reporting relationship and the relative is not in a position to influence or control a student's appointment, employment, promotion or advancement to a position within the agency.

d. These restrictions do not apply to the appointment of persons who are preference eligible if (1) his/her name is within reach for selection from an appropriate certificate of eligibles,

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and (2) an alternative selection cannot be made from the certificate without passing over the preference eligible and selecting an individual who is not a preference eligible.

## 5. Definitions

a. Advocacy. Actively supporting the consideration of a relative by either oral or written recommendation including the referral of a relative for consideration to a public official standing lower in the chain of command.

b. Agency. For the purpose of this instruction, agency means an Executive agency; an office, agency or other establishment in the legislative or judicial branch that is subject to Office of Personnel Management requirements.

c. Appointment and Employment. Discretionary personnel actions (not based on statutory requirements) including initial hires, reinstatements, reassignments and transfers.

d. Chain of Command. The line of supervisory personnel that runs from a public official to the head of his/her agency.

e. Jurisdiction or Control. Direct control of some or all of an agency's operations.

f. Promotion and Advancement. Discretionary personnel actions (not based on statutory requirements) which increase an employee's grade, pay or relative standing in the organizational structure. A within-grade increase is not a promotion or advancement.

g. Public Official. An officer, a member of the uniformed services, an employee and any other individual in whom is vested by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote or advance individuals, or to recommend individuals for appointment, employment, promotion or advancement.

h. Relative. A father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,

stepdaughter, stepbrother, stepsister, half brother or half sister.

6. Action

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a. Public officials will not employ, appoint, advance, promote or advocate/recommend the employment, appointment, advancement or promotion of a relative anywhere in the Department of the Navy or the components of the Department of Defense. Additionally, public officials will not employ, appoint, advance or promote the relative of any other public official in the chain of command within the activity if that official has advocated the action. Advocating also includes the referral of an application of a relative for consideration for employment, promotion, etc.

b. Public officials will not participate in any portion of any selection process if a relative is under consideration. The official must disqualify himself/herself. Panel members and technical advisors to panels are considered public officials for the purpose of this instruction, even though they may not occupy a supervisory position.

c. Public officials may respond to employment inquiries qualification and suitability of relatives, provided the official does not advocate selection, promotion, etc., and he/she records the relationship on the inquiry.

d. Public officials may not promote a relative whose position is reclassified at a higher grade if the action is discretionary with the public official.

e. Public officials will not advocate the employment of a son or daughter.

f. While working for relatives is not specifically prohibited by regulation, this kind of situation should be avoided. Chapter III of reference (d) states that Naval personnel (including civilian personnel) shall avoid any action, whether or not specifically prohibited by instruction, which might result in or reasonably be expected to create the appearance of giving preferential treatment, losing independence or impartiality, or adversely affecting the confidence of the public in the integrity of the Government. If a situation of working for a relative exists, consideration should be given to

moving one or the other to some other organizational unit. Activities should ensure that their public officials leave a wide margin of safety insofar as advocating, recommending or referring relatives is concerned. In addition to avoiding the appearance of nepotism, public officials must also avoid any action which might result in or create the appearance of preferential treatment to any person. Whenever a relative works for a public official or is a candidate for employment, appointment, promotion or advancement, and an ensuing discretionary personnel action

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would occur, the action will be escalated to an official higher in the chain of command, to a selection committee, performance review board or the like, as appropriate.

g. Competency Heads will notify the Director, HRO, in writing, each time a selection, promotion or advancement needs escalating to the next higher level in the chain of command or the like because a relative of a public official was a candidate. A brief statement citing the circumstances leading to the escalation will suffice with a statement affirming that the public official who had a relative under consideration in no way participated in the selection, promotion, advancement, etc.

7. Review Authority. The Director, HRO will review this instruction annually and make changes as necessary.

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